

U.S. DISTRICT COURT  
N.D. OF N.Y.  
FILED

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

JUL 17 2009

GERALD MASTEN,

LAWRENCE K. BAERMAN, Clerk  
UTICA

vs

Plaintiff,

6:08-CV-1155

MICHAEL J. ASTRUE, Commissioner of  
Social Security,

Defendant.

APPEARANCES:

EMPIRE JUSTICE CENTER  
Attorneys for Plaintiff  
119 Washington Avenue  
Albany, NY 12210

OF COUNSEL:

LOUISE M. TARANTINO, ESQ.

SOCIAL SECURITY ADMINISTRATION  
Office of General Counsel  
Attorneys for Defendant  
26 Federal Plaza, Room 3904  
New York, New York 10278-0004

JENNIFER S. ROSA, ESQ.  
Special Asst. U.S. Attorney

DAVID N. HURD  
United States District Judge

ORDER

Plaintiff moves for an award of attorneys' fees and costs pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(a) and (b). (Docket No. 16). The defendant opposes. (Docket No. 18). The plaintiff replied. (Docket No. 19).

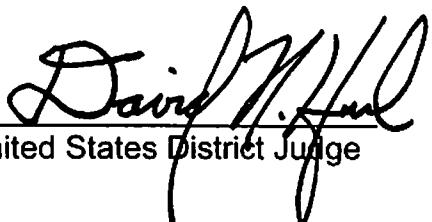
The defendant's only objection to the motion is that the time spent by plaintiff's attorney is excessive and unreasonable. Specifically, the defendant argues that the normal time range required in an ordinary case is 20 to 40 hours, and therefore the plaintiff's claim of 56 hours is excessive.

Upon a review of the plaintiff's attorney's detailed application, the number of hours claimed is reasonable, including the time expended on the reply.

Therefore, it is

ORDERED that the plaintiff is allowed an award under the Equal Access to Justice Act in the amount of Nine-thousand Six-hundred Eighty-eight Dollars and Forty-seven Cents (\$9,688.47), and that payment of said award be made directly to plaintiff's attorneys, Empire Justice Center and Louise M. Tarantino, Esq., pursuant to Fee Agreement signed by the plaintiff on October 28, 2008.

IT IS SO ORDERED.



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United States District Judge

Dated: July 16, 2009  
Utica, New York.